

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

PETE WRIGHT, Register No. 166935,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 06-4201-CV-C-NKL
	)	
ARTHUR WOOD, et al.,	)	
	)	
Defendants.	)	

**REPORT, RECOMMENDATION AND ORDER**

On June 13, 2008, plaintiff filed a motion for the entry of default judgment against defendant State of Missouri. In support of his request, plaintiff asserts defendant State of Missouri has appeared in this case but has not filed an answer to his amended complaint. The State of Missouri responded in opposition to plaintiff's motion and noted it had filed an answer on August 2, 2007. Although the entry on the docket sheet does not list the State of Missouri, the answer clearly lists the State of Missouri as an answering defendant. See Doc. 85. Thus, defendant has answered and is not in default.<sup>1</sup>

On May 12, 2008, plaintiff filed a motion to compel discovery. In his motion, plaintiff wants the Department of Corrections to return his legal property from the property room, and he does not seek responses to outstanding discovery requests. Defendants have indicated that if plaintiff will send some of his legal materials to the property room, he will be permitted to exchange them for legal materials currently in storage in the property room. Plaintiff has not convinced the court that he does not have access to his legal materials, in limited amounts, or that he has been refused the exchange of legal materials. If plaintiff has documentation from the property room stating he cannot exchange some of his legal materials, his request will be reconsidered.

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<sup>1</sup>This case was referred to the undersigned United States Magistrate Judge for processing in accord with the Magistrate Act, 28 U.S.C. § 636, and L.R. 72.1.

On April 16, 2008, plaintiff requested the court to order the Clerk of Court to provide him with a copy of the docket sheet each month, because the Notice of Electronic Filing page he receives does not have response due dates on it. Response and reply due dates to motions are twelve days from the date the motion or response is filed. See Local Rule 7.1(d). The general exception is for motions for summary judgment. Under Local Rule 56.1(b) and (c), suggestions in opposition to a motion for summary judgment are due within thirty days after the motion is filed, and reply suggestions are due within fifteen days after the response is filed. The Notice of Electronic Filing gives the date the motion was filed, and plaintiff should be able to calculate the response dates. If other dates are set or changed by court order, plaintiff will have received a copy of the court order. If plaintiff wants a copy of the docket sheet, he may request one from the clerk of court and include the appropriate copying charge. Plaintiff is not entitled to monthly copies of the docket sheet, free-of-charge.

The court notes this case is nearly two years old and the parties should be preparing for final resolution of the case.

Accordingly, it is

ORDERED that plaintiff's motion of May 12, 2008, to compel discovery is denied.

[192] It is further

ORDERED that plaintiff's motion of April 16, 2008, for a copy of the docket sheet each month is denied. [184] It is further

RECOMMENDED that plaintiff's motion of June 13, 2008, for the entry of default judgment against defendant State of Missouri be denied. [199]

Under 28 U.S.C. § 636(b)(1), the parties may make specific written exceptions to this recommendation within twenty days. The District Judge will consider only exceptions to the specific proposed findings and recommendations of this report. Exceptions should not include matters outside of the report and recommendation. Other matters should be addressed in a separate pleading for consideration by the Magistrate Judge.

The statute provides for exceptions to be filed within ten days of the service of the report and recommendation. The court has extended that time to twenty days, and thus, additional time to file exceptions will not be granted unless there are exceptional

circumstances. Failure to make specific written exceptions to this report and recommendation will result in a waiver of the right to appeal. See L.R. 74.1(a)(2).

Dated this 2<sup>nd</sup> day of July, 2008, at Jefferson City, Missouri.

/s/ William A. Knox

WILLIAM A. KNOX  
United States Magistrate Judge